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*Attorneys for Defendant,
 Wi-LAN Inc.*

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 SAN DIEGO**

APPLE INC., <div style="text-align: right;"><i>Plaintiff,</i></div>	}	No. 3:14-cv-2235-DMS-BLM (Lead Case); Consolidated with 3:14-cv-01507-DMS-BLM DEMAND FOR JURY TRIAL
v.	}	
WI-LAN INC., <div style="text-align: right;"><i>Defendant.</i></div>	}	DECLARATION OF WARREN LIPSCHITZ IN SUPPORT OF WI-LAN INC.'S OPPOSITION TO APPLE INC.'S EX PARTE MOTION TO STRIKE
WI-LAN INC., <div style="text-align: right;"><i>Plaintiff,</i></div>	}	Department: 13A Judge: Hon. Dana M. Sabraw Magistrate: Hon. Barbara L. Major
v.	}	
APPLE INC., <div style="text-align: right;"><i>Defendant.</i></div>	}	

I, WARREN LIPSCHITZ, hereby declare as follows:

1. I am duly licensed to practice law in the State of Texas and am an associate with the firm of McKool Smith P.C. ("McKool"), counsel for Defendant Wi-LAN Inc. ("Wi-LAN"). I have personal knowledge of the facts contained herein and if called to testify, could and would competently testify thereto. I make this declaration in support of Wi-LAN's Opposition to Apple Inc.'s *Ex Parte* Motion to Strike, filed concurrently herewith.

1 2. On September 22, 2017, I participated in a meet and confer with counsel
2 for Plaintiff Apple Inc. (“Apple”) regarding Wi-LAN’s request for the Qualcomm
3 Agreement and related materials. At no point during the September 22 meet and
4 confer did Apple argue that the Qualcomm Agreement and related communications
5 were not relevant because the Qualcomm Agreement concerned a different WiMAX
6 standard (i.e., Mobile WiMAX and not Fixed WiMAX).

7 3. On September 26, 2017, I participated in another meet and confer with
8 counsel for Apple. Later that day, the parties conducted a conference with the Court’s
9 chambers. Apple again refused to produce the requested Qualcomm discovery. At no
10 point during either the September 26 meet and confer or conference with the Court did
11 Apple argue that the Qualcomm Agreement and related communications were not
12 relevant because the Qualcomm Agreement concerned a different WiMAX standard
13 (i.e., Mobile WiMAX and not Fixed WiMAX).

14 4. On October 10, 2017, I participated in a conference with the Court’s
15 chambers, whereby Apple again refused to produce the requested Qualcomm
16 discovery. Apple never argued that the Qualcomm Agreement and related
17 communications were not relevant because the Qualcomm Agreement concerned a
18 different WiMAX standard (i.e., Mobile WiMAX and not Fixed WiMAX).

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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

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4 Executed on November 9, 2017 in Dallas, Texas.

5
6 By: /s/ Warren Lipschitz
7 Warren Lipschitz
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21 *Attorneys for Defendant,*
22 *WI-LAN INC.*

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Warren Lipschitz, and that I have obtained his authorization to affix his electronic signatures to this document.

Dated: November 9, 2017

Respectfully Submitted,

PATTERSON LAW GROUP

By: /s/ Allison H. Goddard

Attorney for Defendant, WI-LAN INC.

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017, I caused a copy of the foregoing
**DECLARATION OF WARREN LIPSCHITZ IN SUPPORT OF WI-LAN INC.'S
OPPOSITION TO APPLE INC.'S MOTION TO STRIKE** to be served by
electronic mail on all counsel who are deemed to have consented to electronic service.

Dated: November 9, 2017

By: /s/Warren Lipschitz
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